



## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket ID Number: DOT-OST-2014-0031]

### Notice of Submission of Proposed Information Collection to OMB

### Agency Request for Renewal of a Previously Approved Collection: Airline Service Quality Performance – Part 234

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST-R), Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the *Paperwork Reduction Act of 1995* (44 U.S.C. chapter 35, as amended) this notice announces that DOT is submitting a request to the Office of Management and Budget (OMB) for renewal of OMB Control Number 2138-0041 covering Airline Service Quality Performance, On-time Performance, and Mishandled Baggage reports that the largest U.S. air carriers file with DOT under part 234 of title 14, Code of Federal Regulations (CFR). On August 11, 2021, the Director, Office of Airline Information (OAI), published a ***Federal Register*** notice announcing DOT's intent to renew the information collections and providing a 60-day comment period regarding the information collections. *See* 86 FR 44137. DOT did not receive any comments in response to the August 11, 2021 notice. This notice announces an additional 30 days of public comment.

**DATES:** Comments on this notice must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN *FEDERAL REGISTER*]. Interested persons are invited to submit comments regarding this proposal.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the

Secretary of Transportation, 725 17<sup>th</sup> Street NW, Washington, DC 20503. Comments may also be sent via email to OMB at the following address: *oira\_submissions@omb.eop.gov*.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Robinson, Office of Airline Information, RTS-42, Room E34-410, OST-R, BTS, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001, Telephone Number (202) 366-4405 (voice), Fax Number (202) 366-3383 or E-mail *cecelia.robinson@dot.gov*.

**SUPPLEMENTARY INFORMATION:** DOT collects information regarding flight performance and mishandled baggage, wheelchairs, and scooters from the largest U.S. air carriers under 14 CFR part 234. The air carriers required to provide this information to DOT consist of the U.S. air carriers that accounted for at least 0.5 percent of domestic scheduled-passenger revenues (Reporting Carriers) as most recently determined by OAI. An air carrier that is not a Reporting Carrier may voluntarily submit the flight performance and mishandled baggage, wheelchairs, and scooters information to the Department pursuant to 14 CFR 234.7.

Specifically, Reporting Carriers must submit Part 234 On-time Performance reports to DOT with information on domestic flight operations and performance as described in 14 CFR 234.4.<sup>1</sup> In addition, under 14 CFR 234.6, Reporting Carriers must submit Part 234 Mishandled Baggage reports to DOT that include the following information for covered domestic flights: (1) the number of bags mishandled in its custody, (2) the number of bags enplaned into the aircraft cargo compartment, (3) the number of mishandled wheelchairs and scooters mishandled in its custody, and (4) the number of wheelchairs and scooters enplaned into the aircraft cargo compartment.<sup>2</sup> Each Reporting Carrier is required to report the flight performance and mishandled baggage, wheelchair, and scooter information to DOT on a monthly basis for the

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<sup>1</sup> The format and instructions for reporting this information are in Technical Reporting Directive #27- On-Time Performance, effective January 1, 2018, *available at*: <https://cms7.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/207741/technical-directive-no-27-time-2018.pdf>.

<sup>2</sup> The format and instructions for reporting mishandled baggage and wheelchair and scooter information to DOT are in Technical Reporting Directive #30A- Mishandled Baggage and Wheelchairs and Scooters (Amended), effective January 1, 2019, *available at*: <https://www.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/224606/technicaldirective30abaggage2019amended.pdf>.

covered flights it operates and for any covered flights held out under the Reporting Carrier's code (as the only U.S. carrier code) and operated by a codeshare partner of the Reporting Carrier that is a U.S. air carrier. These codeshare partners generally adopt the marketing carrier's branding and, thus, are referred to as branded codeshare partners.

DOT uses the information reported by airlines to provide airline performance information and statistics on the BTS website and in the *Air Travel Consumer Report* (ATCR), a monthly publication of DOT's Office of Aviation Consumer Protection (OACP). Air transportation consumers and other stakeholders use the information DOT publishes to understand and compare airlines' service quality performance, including airlines' rates of on-time performance and cancellation, and rates of baggage and wheelchair and scooter mishandling.

DOT's Federal Aviation Administration (FAA) uses data reported by airlines in part 234 On-time Performance reports to analyze air traffic delays. Wheels-up and wheels-down times are used by the FAA in conjunction with departure and arrival times to show the extent of ground delays. Actual elapsed flight time (wheels-down minus wheels-up time) is compared by the FAA to scheduled elapsed flight time to identify airborne delays. The reporting of the aircraft tail number allows the FAA to track an aircraft through the air network, which enables the FAA to study the ripple effects of delays at hub airports. The data can be analyzed by the FAA for airport design changes, new equipment purchases, and the planning of new runways or airports based on current and projected airport delays and traffic levels. Identifying the reasons for delays allows the FAA, airport operators, and air carriers to pinpoint delays under their control.

DOT is publishing this notice to announce that its request for renewal of the previously approved information collections described above under OMB Control Number 2138-0041 is being forwarded to OMB for review and comments. Without further action, OMB authorization of the information collections would expire December 31, 2021.

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations,

5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. A Federal agency generally may not conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, no person shall generally be subject to monetary penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. On August 11, 2021 the Department published a 60-day notice in the Federal Register soliciting comment on ICRs for which the agency was seeking OMB approval (86 FR at 44137). The Department did not receive any comments on the 60-day notice. Accordingly, the Department announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

The title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burden for each of the information collections for which DOT seeks renewal are set forth below:

1. Airline Service Quality Performance Reports - Part 234 On-time Performance

*Respondents:* Certificated air carriers that account for at least 0.5 percent of the domestic scheduled-service passenger revenues are required to report flight performance data for the covered flights that they operate as described in 14 CFR 234.4; Certificated air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues are required to report this information for the covered flights marketed under the carrier's code as the only U.S. carrier code that are operated by another U.S. carrier as described in 14 CFR 234.4; Air carriers may voluntarily report flight performance data pursuant to 14 CFR 234.7.

*Estimated Number of Respondents:* 17 air carriers (4 of which market codeshare flights).

*Frequency:* Monthly

*Estimated Average Burden Per Response:* 10 hours for each respondent to report for the flights operated by the respondent plus an additional 16 hours if the respondent reports for flights operated by its branded code-share partners.

*Estimated Total Annual Burden:* 2,808 hours (17 air carriers reporting the flight performance information for the flights they operate X 10 hours per response X 12 months = 2,040 hours) + (4 air carriers reporting the flight performance information for flights operated by their branded codeshare partners X 16 hours per response X 12 months = 768 hours). This estimate is based on the following information: 17 carriers reported the flight performance data for the flights they operated to DOT in calendar years 2019, 2020, and 2021. Currently, 4 carriers report flight performance data to DOT for their branded codeshare operations.

DOT estimates that respondents will encounter on average a 10-hour burden per month to report flight performance data to DOT for the flights they operate. DOT estimates the respondents that market codeshare flights will encounter on average an additional burden of 16 hours per month to report flight performance data to DOT for their branded codeshare operations. The burden estimates include staff time to manage and process the data and to submit the report through DOT's electronic submission system.

## 2. Airline Service Quality Performance Reports - Part 234 Mishandled Baggage

*Respondents:* Certificated air carriers that account for at least 0.5 percent of the domestic scheduled-service passenger revenues are required to report mishandled baggage and wheelchairs and scooters data for the covered flights that they operate as described in 14 CFR 234.6; Certificated air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues are required to report this information for covered flights marketed under the carrier's code as the only U.S. carrier code that are operated by another U.S. carrier as described in 14 CFR 234.6; Air carriers may voluntarily report mishandled baggage and wheelchairs and scooters data pursuant to 14 CFR 234.7.

*Estimated Number of Respondents:* 17 air carriers (4 that market codeshare flights).

*Frequency:* Monthly

*Estimated Average Burden Per Response:* 10 hours for each respondent to report for the flights operated by the respondent plus an additional 16 hours if the respondent reports for flights operated its branded code-share partners.

*Estimated Total Annual Burden:* 2,825 hours (17 air carriers reporting the mishandled baggage and mishandled wheelchairs and scooters information for flights they operate X 10 hours per response X 12 months = 2,040 hours) + (4 air carriers reporting the mishandled baggage and mishandled wheelchairs and scooters information for flights operated by their branded codeshare partners X 16 hours per response X 12 months = 768 hours) + (.00138 hours for manual data entry related to wheelchair or scooters X 12,000 manual entries = 17 hours). This estimate is based on the following information: 17 carriers reported mishandled baggage and wheelchair and scooter information to DOT in calendar years 2019, 2020, and 2021. Currently, 4 carriers report mishandled baggage and wheelchair and scooter information to DOT for their codeshare operations.

DOT estimates that respondents will encounter on average 10-hours burden per month to

report the mishandled baggage and wheelchair and scooter data to DOT for the flights they operate. DOT estimates that respondents that market codeshare flights will encounter on average an additional burden of 16 hours per month to report the mishandled baggage and wheelchair and scooter data to DOT for their branded codeshare operations. The burden estimates include staff time to manage and process the data and to submit the report through DOT's electronic submission system.

In addition, the estimated total annual burden is based on the assumption that most respondents employ automated processes to record that an item enplaned is a wheelchair or scooter, for the purposes of reporting data on wheelchairs and scooters to DOT. For a carrier that manually records this information, such as by having their agent type information describing a wheelchair or scooter into the airline's system, DOT estimates that the airline would spend approximately 5 seconds (.00138 hours) per item to manually enter the data.<sup>3</sup> DOT estimates that 12,000 wheelchairs and scooters total are recorded manually per year.

### **Administrative Issues**

The *Confidential Information Protection and Statistical Efficiency Act of 2002* (44 USC 3501) requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

### **Public comments Invited**

You are invited to comment on any aspect of this information collection, including: (a) whether the collection of information is necessary for the proper performance of the functions of DOT, including whether the information will have practical utility; (b) the accuracy of DOT's

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<sup>3</sup> The Final Rule to Amend Rules Requiring Reporting of Mishandled Baggage, Regulatory Impact Analysis, October 18, 2016, estimated a data entry burden of 5 seconds per wheelchair or scooter recorded manually. See Docket No. RITA-2011-0001-0287.

estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and, (d) ways to minimize the burden of the collection of information on respondents.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

Issued this 17<sup>th</sup> day of November 2021 at Washington, DC.

**William A. Chadwick, Jr.,**

*Director, Office of Airline Information,*

*Bureau of Transportation Statistics,*

*Office of the Assistant Secretary for Research and Technology.*

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